

John J. Skinner, Jr.  
Founding Member

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May 19, 2021

**ELECTRONICALLY FILED (VIA ECF)**

Chambers of Robert W. Lehrburger  
United States Magistrate Judge  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1960  
New York, N.Y. 10007

**Re: REQUEST FOR CLARIFICATION OF ORDER (Dkt. No. 11)**  
**Big Mozz, Inc. v. Big Stick Willy's**  
**Civil Action No. 1:21-cv-3336 (PGG)(RWL)**

Dear Magistrate Judge Lehrburger,

His Honor entered an Order (Dkt. No. 11), dated May 14<sup>th</sup>, 2021, in the above-captioned civil action on which we are respectfully seeking some clarification.

The Order was entered in response to Defendant Big Stick Willy's filing of a Motion to Dismiss under Fed. R. Civ. Pro. 12(b) (Dkt. No. 9).

While the Order notes the deficiency that no appearance has been properly made by/for Defendant and orders Defendant to have counsel make such appearance on or prior to June 7<sup>th</sup>, 2021 (or be subject to a default judgement), the Order does not clearly state the disposition and/or status of the Motion itself and/or further whether, despite the deficiency, Plaintiff is nevertheless required to submit responsive papers pursuant to S.D.N.Y. Local Rule 6.1(b)(2).


As such, Counsel for Plaintiff hereby respectfully seeks clarification on how the Court is treating the Motion - that is, whether the Motion due to the deficiency is considered as having not been filed (essentially striking the motion), is postponing a decision if/until counsel for Defendant appears (or otherwise), or has denied the Motion.

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Pursuant to his Honor's Individual Rules of Practice, Section I. A. 1., Counsel for Plaintiff is today both e-mailing and mailing a copy of this Letter to Defendant. Proof of Service shall be separately filed via ECF.

Sincerely,

**LAW OFFICES OF JOHN J. SKINNER, JR.**

By:   
\_\_\_\_\_  
John J. Skinner, Jr.  
Founding Member

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ATTORNEYS FOR PLAINTIFF  
BIG MOZZ, INC.

cc (via first-class mail & e-mail):

Big Stick Willy's  
c/o Mr. William Reynolds  
185 Loisaida Avenue  
New York, N.Y. 10009

will@bigstickwillys.com

The purported motion to dismiss is currently considered a nullity as counsel has not appeared on behalf of the corporate defendant. Plaintiff need not respond to the purported motion.

Plaintiff's counsel is directed to serve a copy of this order on defendant using the above contact information and file proof of service on the docket.

SO ORDERED:

5/19/2021

  
\_\_\_\_\_  
HON. ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE